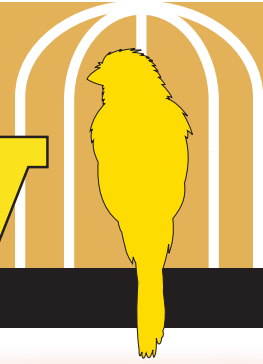


THE **canary**



WINTER 2014

LEGISLATION **WORKERS' RIGHTS**

Federal budget bill undermines right to refuse, inspectors

With the introduction of a new omnibus budget bill C-4 on October 22, the Harper government has again signaled their total disregard for the interests of Canadian workers. Included in the 300-page bill are changes that would weaken health and safety protections under Part II of the Canada Labour Code.

New definition of danger

Bill C-4 proposes to dramatically change the definition of what constitutes a danger to a worker.

The definition change puts workers at risk for several reasons, the most critical being the direct consequence to the right to refuse. As their last line of personal protection, workers in Canada have a right to refuse dangerous work. By altering the definition of danger, workers will need to argue that they faced an "imminent or serious" health effect by performing a task. Current usage of

the right to refuse does not require such evidence.

The government maintains that this new definition does not reduce worker's rights. However, including "imminent" both confuses the issue and introduces the idea that workers are not entitled to protection from conditions that could cause them illness in the future.

The definition change also removes the explicit prevention of exposure to a hazardous substance that is likely to result in a chronic illness, disease or damage to the reproductive system.

Reducing health and safety committee power

One of the concepts underlying health and safety law in Canada is that employers and workers should work together to solve health and safety issues. However, C-4 proposes to repeal section 127.1(7), which empowers the workplace committee to prevent a worker

continued on page 2

DANGEROUS DEFINITION

The proposal to change the definition of the word *danger* in the Canada Labour Code could dramatically change the right to refuse. How exactly would it be changed? See what the government plans to strike out:

Danger means any existing or potential hazard, or condition or any current or future activity that could reasonably be expected to cause injury or illness to be an imminent or serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected, or the activity altered. whether or not the injury or illness occurs immediately after the exposure to the hazard, condition or activity, and includes any exposure to a hazardous substance that is likely to result in a chronic illness, in disease or in damage to the reproductive system.

INSIDE

2 CONVENTION
Health and safety resolutions call for education, action

3 NEWS
Record crowd at health and safety forum

3 NEWS
David Lamanna wins CUPE National Safety Award

4 SAFE@WORK
Working Alone

Federal budget bill

continued from page 1

from performing work when the committee has jointly decided there is danger.

Proposed for repeal:

Section 127.1 (7) If the persons who investigate the complaint conclude that a danger exists as described in subsection 128(1), the employer shall, on receipt of a written notice, ensure that no employee use or operate the machine or thing, work in the place or perform the activity that constituted the danger until the situation is rectified.

Elimination of federal inspectors

Bill C-4 proposes to repeal the definitions of “health and safety officer” and “regional health and safety officer” and replace all references with “the Minister” throughout the legislation. So how would you feel about a political appointee investigating your health and safety concern instead of a professional inspector?

The Harper government’s claims that they are merely clarifying or strengthening the existing laws are deception tactics to deflect attention from their real goal of putting more power over workers into employers’ hands. To them, risking workers’ safety and health is a negligible by-product of keeping costs low and profits high.

The CLC has produced a video explaining the changes. They are also calling workers to contact their MPs, and to tweet directly to Minister of Labour Kellie Leitch (@kellieleitch) and Minister of Employment Jason Kenney (@kenneyjason).

■ **Troy Winters**

CHECK OUT THE CLC’S VIDEO at clc-ctc.ca

The Canary, CUPE’s health and safety newsletter, is published four times a year. Canaries were once used in mines to warn mineworkers about changes in air quality. Since then, the canary has become a symbol of workplace safety, and an important reminder of dangerous working conditions. For more information on the importance of the symbol, check out cupe.ca/canary.

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Please email Troy Winters at health_safety@cupe.ca with corrections, questions or suggestions.

Find past issues online at cupe.ca/canary

NEWS CONVENTION

Health and safety resolutions call for education, action

Delegates at the 2013 CUPE National Convention in Quebec City passed a series of resolutions related to health and safety. Here’s a rundown:

Resolution No. 27 commits CUPE to supporting the ongoing 1 in 40 airline campaign to ensure the travelling public has an appropriate number of cabin crew trained in safety and security procedures. The federal government has proposed reducing the number of flight attendants required per flight from 1 to 40 passengers, to 1 to 50.

Resolution No. 57 commits CUPE National to develop a health and safety learning series for members similar to the successful steward learning series. Per the resolution, “Health and safety training is fundamental to improving the lives and working conditions of CUPE members.”

Resolution No. 144 commits CUPE National to conducting a review of the newest data on circadian rhythm disruption, identifying best practices and contract language to alleviate or minimize the risks to shift workers, and conducting a national awareness campaign on the link between shift work and breast cancer.

Resolution No. 153 calls on CUPE National to promote awareness of workplace violence legislation and workers’ right to refuse dangerous work. It also calls for lobbying for better legislation. Per the resolution, “Too many employers are shirking their responsibilities under the various health and safety acts and consequences for employers with injured workers due to violence are too small.”

Resolution No. 151 calls on CUPE National to develop a CUPE Mental Health Strategy and a toolkit to take advantage of the extensive work being done across Canada on this important issue. Per the resolution, “between 20 and 25% of workers in Canada will be affected by mental health problems each year” and “the stigma associated with mental illness often prevents people from seeking the help they need.”

Watch for developments on these and other health and safety initiatives in the coming months.

■ **Wes Payne**

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CUPE / Canadian Union
of Public Employees

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Troy Winters, CUPE staff, addresses the health and safety forum at CUPE National Convention, 22 Oct, 2013.

NEWS CONVENTION

Record crowd at health and safety forum

More than 350 members attended the health and safety forum at the CUPE National Convention in Quebec City, a record high according to organizers.

Guest speaker Maria Luisa Regalado from the Honduran Women's Collective (CODEMUH) spoke passionately about how "maquila" workers—who work primarily in clothing factories—are expected to maintain extremely high production levels. "Some of these women are injured so badly by their work that they cannot even lift their own babies," said Regalado.

Participants also heard an emotional discussion on bullying in the workplace. Lawrence Novecosky of CUPE 3967 in Saskatchewan is a survivor of a toxic workplace. He shared his experience working under a bully manager. He told participants about the full impact of bullying in the workplace, including fatal suicides by his colleagues and another harrowing suicide attempt that led to changes, including the removal of the bully manager and changes to the Occupational Health and Safety Act in Saskatchewan.

Céline Giguère, a CUPE National Health and Safety Representative from Quebec, introduced delegates to a CD that she developed for Quebec members to combat bullying in the

workplace. The CD is currently a work in progress in English and will be a welcome tool for CUPE members

to help stop bullying, harassment and violence in all our workplaces.

■ James Chai

David Lamanna wins CUPE National Health and Safety Award



Award winner David Lamanna.

David Lamanna, a long-time health and safety advocate and a member of CUPE 2 in Toronto, received CUPE's National Health and Safety Award on October 22 at the CUPE National Convention.

A signal technician at the Toronto Transit Commission, Lamanna was touched by the award and thanked the delegates for the honour. Concerned about workers' safety, he was advised to 'be the change you want to see' which inspired

him to develop products and procedures that directly enhance workers' health and safety. Some of Lamanna's major achievements include:

- Developing the 'work area warning system' to alert transit operators that there are workers ahead of them so operators can reduce the vehicle speed or stop, if required;
- Working with Bombardier to develop a 'track safe' system, to detect and protect workers at track level on subway and rail lines;
- Creating the 'bonding assembly' allowing workers to safely work at track level without being electrocuted.

Co-chair of his local's Joint Health and Safety Committee, he improved safety and health at his workplace by negotiating additional training for all of the commission's 450 health and safety committee members. He also produces the local's quarterly health and safety newsletter.

■ James Chai

safe@work

HEALTH AND SAFETY FACTS FROM CUPE



Working Alone

Help CUPE track workplace hazards. Complete our working alone survey: cupe.ca/working-alone

What is working alone?

Many workers are placed at risk because they are required to work alone. CUPE defines working alone as working at any portion of a worksite for any period of time as the only worker, where assistance is not readily available in the event of injury, ill health or emergency.

Why is working alone hazardous?

Many tasks require two people in order to be completed safely. Workers face increased chances of serious injury when working alone, and may suffer further injury or death if they are denied assistance. Competent supervision or guidance is not present.

Working alone can be particularly hazardous if a worker is at risk of:

- Electrocution
- Drowning
- Falling
- Traffic accidents
- Burns
- Violence
- Exposure to extreme heat or cold
- Working nights
- Using explosives
- Using pesticides
- Lifting heavy objects

What should you do about working alone?

The first step is to identify tasks that require someone to work alone. To identify these tasks,

members can use the survey in the *CUPE Working Alone Guidelines*. It is preferable to proceed with buy-in and cooperation of the employer, however if support is not forthcoming, locals should conduct the survey on their own. The survey results can help pinpoint problems and act as a basis for recommendations that the joint health and safety committee can make to the employer.

Recommendations can include:

- a) Developing or re-examining employer policies regarding working alone. The policy should list all tasks with inherent dangers that should never be conducted alone, and ensure sufficient staff are available to enforce the policy. The policy should also instruct members not to attempt to perform work identified as hazardous without the assistance of a second person.
- b) Developing written procedures covering dangerous work situations: what to do in an emergency; how to get help; reporting accidents or near misses; using alarms and communication equipment; responsibilities of supervisors.
- c) Education and training requirements ensuring all workers fully understand the policies and procedures. The education and training must also ensure workers are fully trained to identify and address hazards they face in their work environment. Training must be offered to all new employees, and updates to training must be provided for all workers on a regular basis.

FIND THE WORKING ALONE FACT SHEET and guideline at cupe.ca/health-and-safety

CHECK OUT OUR WEBSITE! cupe.ca/health-and-safety

• more information on workplace health and safety issues • fact sheets and guidelines on a wide range of topics • the latest health and safety news AND MORE